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The Impacts of Incarceration on Public Safety

IN THE PAGES THAT FOLLOW WE WILL TAKE A LOOK INSIDE THE BLACK box of the largest penal experiment in world history: the quintupling of the prison population in the United States between 1973 and 2006. A central question that emerges and that will be our focus is: What have been the social consequences of our incarceration policy?

One objective is to provide insight into what might be called the *prison policy paradox*, namely, that a 500 percent generation-long growth in imprisonment has had little impact on crime. Broadly speaking, crime rates today are about what they were in 1973, though they have fluctuated dramatically over the 33-year time span since then. Beginning in 1973, crime rates went up into the early 1980s, went down for a few years at the end of that decade, went back up again, and then experienced a lengthy downward trend starting in the late 1990s. Prison populations, on the other hand, have risen every year since 1990. The rate of growth, however, appears to be waning since about 2000. The prison policy paradox is that a systemic and sustained growth in incarceration can be accompanied by such sporadic changes in rates of crime, and leave the crime rate essentially unchanged over a generation of the accelerated use of the prison. How can this happen?

Answers are provided by looking inside the black box of penal policy and by identifying the various ways incarceration leads to social outcomes that are associated with public safety. This essay considers

the problem of “public safety” (as opposed to rates of crime) because safety is a broader concept than crime. Though a desire for public safety includes a desire for low rates of crime, public safety connotes the more profound interest we have to live in a society where we feel secure pursuing our personal goals and fulfilling our life desires (Smith, 2001). Using public safety as our criteria enables us to consider the ways incarceration affects our quality of life, especially through the way incarceration affects the informal social relations that promote the kind of profound social control that is a foundation for a sense of feeling safe.

Three types of effects are described. Positive effects are those that improve public safety, negative effects reduce public safety, and “ambivalent” effects have the capacity to be both positive and negative. Five levels of social impacts on public safety are assessed:

- ▶ Effects on *individuals* that change the way people act;
- ▶ Effects on *intimate relationships* such as those with families and other loved ones;
- ▶ Effects on *social relationships* that are felt as community-level outcomes;
- ▶ Effects on *institutions* such as labor markets and the political economy;
- ▶ Effects on *democracy* or social justice.

This essay will summarize what is known, empirically and experientially, about the positive and negative ways incarceration affects levels of social expression. There are two especially important aspects of incarceration that bear on this review: what incarceration *does*, and *to whom*.

What incarceration *does* is to remove people from places for a period of time, then return them to those (or other) places changed by having experienced confinement. This sounds obvious, but when people consider the implications of incarceration as a policy they rarely do so with this simple cycle in mind. They think, often, of the potential benefits of removing a criminally active person from the community. But that is not what happens; at least, that is not all that happens. For

the overwhelming majority of people who are sent to prison, what actually happens is a cycle: they are removed from the streets, confined for two or three years, then returned to the community. Many of those who go through this process once—at least a third—end up going through it multiple times, returning to prison for new crimes or failing to comply with the special burdens we place on those who leave prison. Many of the social impacts of incarceration stem from this cycling process.

This cycling process is not applied to a representative sample of Americans or places. Prison cycling concentrates within a subset of Americans. Men are at least eight times more likely to be in prison than women (for simplicity, we generally refer to people in prison in the masculine in this essay, even though many of the points we make apply to women in prison as well). African Americans are in prison at a rate four times higher than their proportion of the population and six times higher than whites. The average age at first prison admission is in the mid-20s, making incarceration, at least in the first instance, a young person's experience. Those who go to prison lack human capital; half have not finished high school and almost a third were unemployed at the time of the crime that put them behind bars (Petersilia, 2003). Finally, and importantly, the people who go to prison come disproportionately from a handful of neighborhoods, impoverished places where schools are bad, the labor market weak, and housing inadequate (for a review of the ways incarceration concentrates among these groups, see Clear, forthcoming). This means that the social effects of incarceration are hyperconcentrated among young, poor, black men and in the communities from which they come. Because many of these young men go through the prison cycling process more than once, we will refer to this as *concentrated prison cycling*.

THE SOCIAL EFFECTS OF INCARCERATION

Individual-Level Effects

At the individual level, public safety means reducing an individual's likelihood of committing crime. How does concentrated prison cycling affect individuals' rates of crime?

Positive effects: The two most commonly understood ways in which incarceration reduces the rate of a person's criminality are through incapacitation and rehabilitation. Incapacitation occurs when a person's incarceration prevents crimes from occurring that the person would have committed. Rehabilitation occurs when the person is changed by the prison experience so that he no longer commits crime once released from prison.

Incapacitation and rehabilitation have inspired a large literature, and there are important nuances to account for in understanding these effects (for a review of incapacitation research, see Blumstein et al., 1986, and Spelman, 1994; for a review of rehabilitation research see Andrews, 2001, and Cullen and Gilbert, 1982). For our purposes, it is important to emphasize how limited these effects are. Incapacitation is limited strategically, in that before people go to prison, they must be sufficiently criminally active to commit either one quite serious crime or have a troubling record of convictions for lesser crimes. Most people fall into the latter group. To the extent they have gathered a significant past record of crimes, they will have needed enough time to have done so. For at least some of these people, their most criminally active years will now be behind them and this will be increasingly so as they age behind bars. Thus the amount of crime that is prevented by locking them up is, on the average, a diminishing return for each new year of incarceration.

The rehabilitative effects of imprisonment are less complex than those of incapacitation, but are also less substantial. The most optimistic studies of rehabilitation show that in-prison programs are less effective than in-community programs. Rehabilitation programs in prison have meager overall impact (Andrews and Bonta, 1994). There are various reasons why prison rehabilitation programs are so disappointing, and listing them is not important for this paper. Suffice it to say that most observers think the history of disappointments in prison-based rehabilitation programs is not likely to be changed soon by better programs or by new ideas about them.

Negative effects: Incapacitation is thought to eliminate the crimes a person would have committed had he been free from confinement.

Incapacitation also eliminates the positive contributions he would have made to his community. Some of these may have made the community safer by reducing crime. For example, ethnographic work on gangs confirms that some gang members (and gang groups) provide surveillance and support that reduces crime in their communities (Felson, 2003). Young men who are involved at the margin in drug selling are also often support systems for younger siblings and even their own children and the mothers of those children (Hagedorn and Moore, 1994). When they go to prison, the protection these young men used to provide for their family may go with them. (Other ways in which removal creates "empty places" in communities are discussed in later sections.)

Ambivalent effects: Undeniably, many of the crimes a person behind bars might have been involved in were he free occur anyway. This is true because by far most crimes, especially crimes related to gangs and drug markets, are committed by groups. When one member of the group is locked up, the group will generally continue to engage in crime and may even recruit a replacement for the person whom the courts have removed. The resilience of these groups means that the crime rate may continue along unaffected by the incarceration of a few young people. We have good reason to suspect the accuracy of the general model that criminally active groups have "leaders" and that when these leaders are locked away the groups break up. Studies of youth groups (and gangs) find that such scenarios are rare. Usually the leadership is fluid and the cohesiveness of the groups' acquiescence to such momentary leadership is low, with fluctuating participation. In this way, recruiting new members to a criminally active group after someone has been incarcerated may actually *increase* the number of people involved in crime. This process of criminal replacement is almost certainly true for most drug-related crime.

Criminal activity may also be amplified by incarceration. Studies of reentry effects on crime rates at the neighborhood level consistently find that the number of people returning to a neighborhood from prison is a direct predictor of the crime rate in that place (net of other factors) (Clear et al., 2003). Men who have been convicted of crimes and

are sent to prison may actually do worse in the community than those who were convicted of similar crimes with similar histories but are not sent to prison (Spohn and Holleran, 2002). In both these ways, then, the beneficial effects of incapacitation, to the degree they exist, may be canceled out by the criminogenic effects of incarceration, reentry, and the cycling of them both.

Intimate Relationships (Families and Children)

In the context of intimate relationships, public safety can be thought of as the foundation for the formation of meaningful and mutually supportive love relationships, including those required to nurture and socialize children.

Positive effects: In the same way that incarceration may ameliorate crime through incapacitation, it also removes many of the impediments to healthy relationships that may result from a person going to prison. If a man abuses his children or their mother, his abuse is curtailed when he goes to prison. If a mother is neglectful, her neglect ends with the prison sentence. Parents and other loved ones of those who go to prison often remark on the burdensomeness of the person before his confinement, and the noticeable lessening of the burden afterward. It should be noted that this is in no way a universal reaction. It is just as likely that a family member or loved one will resoundingly rue the prison term. But to recognize the frequency with which intimates detest what happens to their loved ones is not to deny that it is also common that they feel a relief when the chaos that person brought to their lives is interrupted.

Negative impacts: Yes, there is anecdotal evidence that incarceration of a parent who mistreated his (her) children relieves some of the pain of abuse. That said, it is much more common to hear that children grieve when a parent goes to prison. A growing body of empirical work exists confirming that, at least on the average, parental incarceration is not good for kids. Studies show that children of incarcerated parents are more likely to be depressed than other kids, experience greater difficulty in school, and demonstrate a range of behavioral problems,

including delinquency (Murray and Farrington, 2005). Some evidence shows that incarceration increases friction between the incarcerated parent and the child, and weakens parental bonds.

Incarceration is certainly not good for marriage. Not surprisingly, parents who remain behind often break off with the person who is behind bars and bring a new adult into the home. When the free partner decides to stay with the person who is behind bars, the relationship is strained by the experience, and the “women at the wall” suffer the significant costs of staying involved with their incarcerated partners (Fishman, 1990). Black men who have been locked up are likely to be cohabiting with a woman after release from prison, but are far less likely than nonincarcerated black men who are living with a woman to be married to that woman.

Epidemiologists have shown that incarceration is associated with increased risk of sexually transmitted diseases such as chlamydia, syphilis, gonorrhea, and AIDS (Thomas and Torrone, 2006). They hypothesize that in high-incarceration neighborhoods the large number of missing men—and the instability of the men who flow into and out of confinement—has a destabilizing affect on sexual relationships. One of the most troubling findings of this string of research is that high rates of incarceration are associated with increased rates of teenage births (Thomas and Torrone, 2006).

Because these effects are concentrated in poor, mostly black communities, their impact is especially troubling for the public safety of these places. Some observers have argued that the single most problematic aspect of the black family is parental instability, as measured by high rates of broken families and other parental role problems. Incarceration is certainly a major aspect of that dynamic, and as incarceration rates remain high it is hard to see a way out of the pattern of broken families raising the next generation of children.

Ambivalent impacts: Some people believe that children are better off when a criminally active parent has been removed from the picture. These children and their remaining parent are free to form attachments with noncriminal adults. It is not known the extent to which

this happens, but the replacement of a problematic parent with a less problematic one may be a net improvement. Likewise, a case can be made that the moral lesson of punishment for crime is a good one for children to see, leaving them less likely to follow in those negative footsteps. Of course there is considerable empirical evidence to doubt the frequency of the ameliorative results, but they certainly occur in specific cases.

Social Relationships (The Community)

Public safety at the community level is represented by what has been called “collective efficacy” (Sampson Raudenbush and Earls, 1997), which includes a sense of civic interconnectedness and shared destiny. At the community level, places that have public safety are places where there is a proliferation of social participation, not isolation, and an ethic of civic involvement. People who live in the community invest their time in these places and care about maintaining them.

Positive impacts: It seems reasonable to assume that in places where people go to prison, there will be a greater respect for the law, less fear of crime, and more of a sense of social cohesion. This follows because in these places people see the law as having consequences and experience the punishment of peers as promoting deterrence. One of the underlying ideas of the Weed and Seed program is that once the criminally active people have been removed from a place, investments in those places will help them to flourish.

These effects exist more in abstract theorizing than in on-the-ground reality. Research shows, conversely, that in places where a large number of people go to prison, there is greater fear of crime (Lynch and Sabol, 2004). Nor do people generally report, in these places, that they believe more wholeheartedly in the law (Crutchfield, 2005). National evaluations of Weed and Seed suggest the approach has not freed these places to flourish as people had hoped. When these empirical findings are added to a generally bleak review of the literature on deterrence (Nagin, 1998), the result is that there are surprisingly few actually positive consequences for communities with high incarceration rates.

Negative impacts: There are negative consequences, however. High incarceration locales already suffer from weak social capital. Cycling men through the penal system does little to improve the level of social capital in these neighborhoods. Research on social networks finds that high incarceration locations are dominated by strong ties, the kind that do little to bring external sources of social support into the network. Incarceration removes people from these networks, though many of those who are removed appear to have tangential relationship to the network's overall capacity to provide social capital (Rengifo and Waring, 2005).

Incarceration does reduce participation in social life. The evidence is ample: families who remain behind, if they are to maintain ties to the person behind bars (and most do) must devote substantial resources (of finances, emotions, and time) into maintaining those relationships. These investments have opportunity costs, and the families of the incarcerated are often isolated from the community as a consequence of the way they retain ties to the person behind bars. The capacity of these families to develop and strengthen their social capital is subverted. The combined effects of financial, emotional, and temporal investments into maintaining prison ties depletes the economic base of the family and refocuses attention that might be devoted to other aims.

Thus, the overall negative effects are expressed as a high impact on social capital and the social networks that are the springboard for social capital. High imprisonment rates disturb social networks and occupy the resources that could otherwise be used to strengthen them.

Ambivalent impacts: Can networks flourish after people are removed, and will they become stronger after these people return to them? These are possibilities, though the weight of experience suggests otherwise. It is true that the people who are taken from these networks were problematic participants in them, draining resources while also providing resources. The balance of the effect of their removal is an empirical question, and the answer is not obvious.

Institutional Effects (Labor Markets and Political Economy)

When public safety is strong, political institutions can be vibrant and a foundation exists for an effective economic pattern to emerge. People experience a range of choices for personal fulfillment, and they see reason to invest their time and energy in the social institutions around them.

Positive impacts: When crime goes down, social institutions can prosper. People engage in commerce freely, and a level of trust enables people to engage one another in instrumental (rather than intimate) relationships. The key to this formula is, of course, the connection between incarceration rates and crime rates. To the degree that connection is attenuated, the contribution of incarceration to the institutional life of a community is diminished.

In a symbolic way, incarceration may also contribute to a stronger institutional base. When people see the laws being enforced, they may be more likely to see institutions as having credence. Declining institutional credence has been postulated as a cause of crime (LaFree, 1998); incarceration, by making institutions more credible in the public eye, might reduce crime.

Negative impacts: An argument can be made, however, that in impoverished neighborhoods where high incarceration rates concentrate among adult men, institutional credibility suffers. People who see their family members and neighbors caught up in the vicious cycle of crime control, law enforcement, and incarceration lose confidence in the law itself (Rose, Clear and Ryder, 2000). They worry that the formal social control agencies going after so many of their neighbors do not have their best interests in mind (St. Jean, 2006). Even though we might think that a strong presence of formal social control would give the state credibility—and people who live in high crime locations certainly want the state to act in their interests—there is a paradox. Even as the residents complain that the state is not protecting them, they also complain that the state is “going after” their young men. In many people’s eyes, the incarceration rates they experience around them undermine their belief in the state.

Studies show that going to prison reduces one's lifelong earnings and also damages employment prospects. Concentrated prison cycling means that many of the men living in already poor neighborhoods have reduced job prospects. When the people who live there earn substandard wages, they cannot support their households by their labor. In the face of an inadequate labor market, the state welfare system becomes a primary provider. People do not place trust in welfare systems, even when those systems become the main source of their support. A consequence is that the main support system on which many people rely is not seen as a "good" institution, but rather as a problematic one.

Ambivalent impacts: The question facing the operation of the coercive criminal law is how to do so with "legitimacy" (Tyler, 1990). What is required to be seen as "fair?" There is no question that being fair is an important quality of the criminal law, and that this is a subjective quality rather than an objective one. In many of the places from which the most prisoners come, the law seems more like an occupying army than a source of social support. Street sweeps, aggressive patrols, "broken window" policing and the like have as their stated aim attacking the disorder of these problem places. But it may be that the people who live in these neighborhoods feel that it is they who are under attack, not their problems.

Democracy (Social Justice)

In a democratic society public safety is tied to equity, social justice, and human dignity. Public safety is what makes the lofty ideals of democratic life possible. It is, of course, possible to be "safe from crime" in an authoritarian regime, but in a democracy, being safe means being able to participate freely as a citizen without fear.

Positive effects: Here again, there is a close link between the paralyzing effect of crime on free societies and the hypothetical way the prison might contribute to the amount of crime. I will not rehash this issue except to say that to many people prison is a necessary evil of a free society. In this formulation, prisons are an evil because they negate

freedom, which is the foundation of democratic life. Prisons are necessary, however, because without them crime would make democratic life unimaginable. The willingness of a "free" society to take away someone's freedom is seen as the very profound testimony to the premium with which freedom is valued.

Negative effects: Incarceration has pervasive negative effects on institutional life at the community level.

Even though America is a democracy founded on citizen participation in governance through the electoral process, indefensibly large numbers of people who have gone to prison (or simply have been eligible for prison by virtue of a felony conviction) are prohibited from voting. In some neighborhoods, especially those where people of color live, there is a corruption of the idea of government that is "of the people and by the people," because political processes exist to exclude large portions of people from voting and crass political strategies are used to intimidate those who are eligible to vote. A cynicism develops regarding the political process, and people do not feel they have a stake in political participation (Crutchfield, 2005, and St. Jean, 2006).

The exclusion of large numbers of men, especially black men, from voting has affected electoral results at local and national levels (Uggen and Manza, 2006). For the most part, lower voting participation rates have resulted in more conservative winners in elections. Using felon disenfranchisement laws as leverage to develop a systemic strategy to reduce the black vote has been a recent strategy in some states (King and Mauer, 2004). The overall result of these laws and the political realities they spawn is a diminution of the institutions of democracy among poor and minority communities.

Mass incarceration has also been a mechanism of economic and social inequality (Western, 2006). It has damaged the labor market participation of disadvantaged young males, especially those who do not finish high school (with a differential impact on young black men). The ripple effects of a growing cohort of men who have been to prison include destabilized families. Black men who have been to prison are

less likely to be living with the mother of their children; those who live with their child's mothers are less likely to be married to her (Western, Lopoo and McLanahan, 2004). The manner in which incarceration contributes to a weakening of the family as an institution of socialization has cross-generational impacts. Having a parent who has been behind bars is one of the strongest risk factors for delinquency and adult criminal justice system involvement (Hawkins et al., 2000). In sum, mass incarceration, concentrated in poor (especially minority) locales, has contributed to the system of forces that impede institutional effectiveness and solidify social and economic inequality in the United States. Incarceration is thus a significant force in "structural racism" (Aspen Institute, 2004).

The growth of imprisonment can only be seen as an irony of contemporary American culture. In a nation that sees itself as the beacon of freedom to the world, mass incarceration stands as the most profound, if unstated, self-critique. The United States has the largest prison population of any Western, free society in the world, and its reliance on incarceration as a social tool is growing. The institutional impact of this kind of incarceration is long term, structural, and regressive. There is a way in which the existence of this problem contradicts the stated values of the nation.

Ambivalent effects: Incarceration does not come about in isolation from crime. The US prison system is a product of the way the country considers crime as a matter of policy. When "crime pays," institutional legitimacy is clearly undermined. When "crime does not pay," it follows that institutional legitimacy stands to gain. The growth of an industry of social control, however, is an ambivalent force. On the one hand, a sizeable prison population suggests that people who break the law are getting the punishment they deserve. Yet in the face of a crime rate that is not unusual by world standards (Zimring and Hawkins, 1997), the off-the-charts rate of imprisonment is paradoxical. When agents of social control are a growth industry, it is not logical to see the function of social control as a settled matter?

THE DISCONNECT

What does this list of the social effects of incarceration tell us? What are we to take away from this rapid tour through the ramifications of mass incarceration?

We can see, first, that it provides a starting point from which we may understand one of the central contradictions of crime policy: the disconnect between prison rates and crime rates. Crime rates contribute to prison populations directly, of course, by supplying the felony convictions that become prison commitments. But crime is also a *consequence* of incarceration (Rose and Clear, 1998). In quite a number of ways, from damaging the prospects of individuals to undermining the institutions of social control, incarceration indirectly contributes to increases in crime. This helps us understand how, across a time span of more than 30 years, a monotonic increase in imprisonment can be associated with an oscillating crime rate that tends to return to its original starting point.

Second, the catalogue of the various effects of mass incarceration helps to clarify the relationship between crime and public safety. We are used to thinking of crime and imprisonment as phenomena operating at the individual level. Here, crime and public safety are synonymous. We impose incarceration because a person engaged in crime, and we expect its positive consequences to include a reduction in that person's criminality. At the individual level, a desire for public safety is much the same as a desire for less crime.

As we move up the level of analysis, however, the operational meaning of "public safety" begins to shift. While crime is always an element in public safety to consider, when we think of families, communities, and institutions, what we mean by public safety becomes broader. Rather than a mere concern about crime, the desire for public safety expresses itself as a need for a social foundation for various kinds of commerce. In intimate relations with others, for example, we want to be able to form trust and strengthen bonds. Communities seek to provide the capacity for human and social capital to grow. Institutional society is the focal point of the very legitimacy of society itself. At each

of these levels, when we think of "public safety" we think of a more general set of attributes that may be related to crime but are much larger than crime.

As we move up the conceptual ladder, at each new level of the analytical hierarchy we observe a new set of negative impacts of incarceration—mass incarceration has one kind of negative impact at the level of intimate relations, but it has a different set of negative impacts at, say, the institutional level. The positive impacts of incarceration do not vary by level: *they all depend upon the ability of incarceration to suppress crime*. Imprisonment contributes to public safety at the level of intimate relations and social institutions by reducing the crimes that subvert the capacity of each of those levels to contribute to "the pursuit of happiness." To the extent that incarceration is not an effective crime control method, its contribution to public safety at *every* level is problematic. Thus, we can see that while mass incarceration has varying negative consequences depending upon the level of analysis, the positive consequences are tied up in one theorem: prisons reduce crime. To the extent that theory is not supported by the data, imprisonment loses its justification at *all* the levels of public safety.

Third, this account suggests what might happen were we to begin to dismantle the mass incarceration apparatus. We might enjoy a revitalization of public safety at multiple levels. From intimate relations to institutional democracy, safety might grow. This would be especially true if we were, concurrently, to find other ways to reduce crime.

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